UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,275	12/30/2003	Robert A. Luciano	83336.0989	9180

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ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/750,275	LUCIANO ET AL.
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,13,15-18,20,23,24,29,33,36,39,41,43 and 45-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,13,15-18,20,23,24,29,33,36,39,41,43 and 45-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 10/25/07, claims 1, 13, 15-16, 20, 30, 33,

41 have been amended and claims 47-48 have been newly added. Claims 1, 3, 13, 15-18,

20, 23-24, 29, 33, 36, 39, 41, 43, and 45-48 are pending in the current application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 1, 3, 13, 15-18, 20, 23-24, 29, 33, 36, 39, 41, 43, and 45-48 are rejected

under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject

matter. It has been deemed that a method and apparatus must meet the basic statutory

rules of producing a useful, concrete and tangible result. Currently, the claims are

directed towards a gaming method that produces no real world tangible result. The

operations of the methodology of the instant application simply recite a gaming method

that comprises enabling a gaming device to receive funds from a player and allowing a

player to select an input and determining the number of full and partial credits available

for the wagering based on the received funds and the inputted denomination and allowing

the player to play the game for partial credits, full credits, or both. A methodology that

simply recites the ability of the computing device to provide the passing of information to

allow for the wagering of partial and full credits are as currently recited taking place

within the confines of the computing device and fail to interact with the user in a tangible

fashion in which the user is able to realize the result of the methodology performed.

Therefore the current claims fail to meet the standards set forth for statutory subject

matter. *See MPEP 2106-regarding patentable subject matter with computer-related*

inventions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 9-11, 13, 17-18, 20, 29-30, 33, 39-41, and 45-48 are rejected under

35 U.S.C. 103(a) as being unpatentable over Wilms (US 5,277,424) and Walker et al.

(US 6,068,552) and Congello, Jr. (US 6,296,569 B1) and Rowe et al. (US 6,682,421

B1) and in further view of Walker et al. (US 6,012,983).

Regarding claims 1, 20, 33, 41 and 45-48, Wilms teaches a gaming device and

method of operation that enables a gaming device to receive funds from a player and

allows the player to input a credit denomination (*see Fig. 1, element [10(a-e)] and the*

related description thereof). Additionally, it is noted that the device is able to process the

insertion of multiple denominations of bills and coins (*see col. 2: ln 25-35*).

Furthermore, Wilms teaches a gaming system that converts the entered currency into a

credit equivalent value. This is then displayed on the game machine representative of a

full and partial credit value added by the player (*ie: determining the available number of*

full [CREDITS(16)] and partial credits [RESERVE(18)] based on the received funds and

the inputted denomination). This is provided by dividing the value added by the player

by the credit value selected by the player to derive a whole value number and setting the

whole value result in the CREDITS [16] indicator (*see col. 3: ln 1-17, col. 4: ln 22-33*).

Wilms also teaches the ability of tracking the fractional units in its RESERVE indicator

[18]. Additionally, Wilms teaches a controller that is in communication with the value

acceptor so that the machine may be notified whether enough credits exists for a player to

operate the machine (*see col. 7: ln 59-col. 8: ln 2*). Finally, Wilms teaches a game of

wagering (*ie: five-card draw poker*) as a possible embodiment where the player may

make a wager and play the gaming device using the credits input by the player (*see col.

2: ln 42-54*). However, Wilms lacks in teaching the ability to wager both partial credits

and full credits or both and allowing a player to add a value to a gaming device via a

voucher and enabling the receipt of a denomination for wagering wherein the

denomination is not a standard currency denomination from a group consisting of an

integral multiple of the standard currency denomination or $0.01, $0.05, $0.10, $0.25,

and $1.00).

In a related gaming patent, Walker et al. teaches the integration of a main

customization menu for a user playing a game machine. The game machine allows the

player to alter and customize the payout, probability, or wager amount of the game

machine (*see wager amount [316] of Fig. 3 and the related description thereof*). As

further taught in Walker, rather than selecting from predetermined choices as in Wilms

and various other game machines, a player may enter a desired amount either via a

keypad, or by selecting up and down arrows in order to customize the amount that they would like to wager for each play of the game machine (isee col. 5: ln 54-col. 6: ln 10i). This would effectively allow the player to define the amount each "credit" would be valued at and would allows the player the flexibility to wager with any amount they desired (*see col. 6: ln 49-col. 7: ln 15*). As a result, Walker teaches the ability of a gaming machine to select a wager from a denomination that not a standard currency denomination or an integral multiple of the standard currency denomination. One would be motivated to incorporate this feature into a gaming machine to allow a player the flexibility to customize the play of a game machine so the player can adjust a game machine to their own personal preferences. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Walker with that of Wilms to allow a player to wager any amount and effectively have the ability to wager denominations that are not a standard currency denomination. However the combination of Wilms and Walker still is silent with respect to the ability for a gaming machine to wager Full or partial credits.

In an analogous gaming reference, Congello, Jr. teaches the implementation of a user to purchase fractional denomination game tickets. Congello teaches the ability to allow a user to place any denomination bets, which would result in a fractional payoff in comparison of a typical full credit bet system. Congello teaches that one would be motivated to implement this type of system in order to allow customers to convert change or loose coins into game tickets. This would allow users that do not have a desire to play a large denomination to participate in a lottery type game therefore increasing the amount of money that is played on the game machine (*see col. 1: ln 60-col. 2: ln 7*). One would

be motivated to incorporate such a feature into a wagering game in order to allow a

player to play as much money as is available to them if they did not have enough money

to purchase a full ticket or "credit". Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the fractional

denomination betting taught in Congello, Jr. with Wilms to create a gaming machine that

allowed fractional betting and fractional prizes in a wagering game device. However, the

combination of Wilms and Congello is still silent with regards to "allowing a player to

add value to a gaming device via a voucher".

In an analogous game system, Rowe teaches the ability for a player to add a value

to a gaming device via a ticket or voucher (*see ticket reader and card reader [345, 340]*

of Fig. 3 and the related description thereof). It has become a common occurrence in the

video game arts for vouchers and tickets to be used in the place of cash in order to

provide a more accurate tracking method for the casinos and security for the players.

One would be motivated to provide the service of using a voucher as opposed to only

cash means in order to provide the benefits of security to the users. Therefore it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate Rowe et al. with Wilms and Congello to use vouchers or tickets to add a

value to a gaming device. However, Wilms, Congello, and Rowe are silent with regards

to storing information relating to the full credits, partial credits, redemption values, and

selected credit values to a database.

In a related gaming system, Walker et al. teaches a plurality of gaming machines

that are linked in a network format. The gaming machines of walker are connected with

a server and database that monitors and tracks information collected at the respective slot

machines in order to allow the moderators of the system to track the activities of the different gaming machines. The properties that are tracked by Walker's system range from the players credit amount on the machine to the player's personal information (*ie: social security number, player id, address, phone number*) (*see Figs. 4-5 and the related description thereof*). One would be motivated to store the information collected by the gaming machines in order to quickly monitor gaming information and records easily in a gaming environment. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system taught by Wilms, Congello and Rowe to also store credit information so that wagers for accepting at least a partial credit, wherein the partial credit is based on the credit value and funds is kept on a voucher gaming system at the time of the invention was made. It is also further noted that although Wilms and Congello do not specifically describe an embodiment in which the denomination selected is "not a predetermined standard denomination" it would be a simple matter of design choice to allow the step of inputting a wager to take any monetary value. As the gaming machine would be capable of performing the functions identically regardless of the amount of monetary input or the "credit value" used and played by the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any value inputted/selected by the player to play the wagering game.

With regard to claims 3, Wilms teaches a game machine that allows for a one to one exchange in currency to take place in a gaming machine having variable denominations to wager and calculates the monetary value into a CREDITS (*ie: full credits*) and RESERVES (*ie: partial credits*) value. As disclosed in Wilms these partial

credits may also yield winnings and may be wagered (*ie: when the denomination is lowered below the credit value*) (*see col. 6: ln 3-39*). However, although Wilms allows the ability to change the denomination and allows the RESERVE credit to be wagered it lacks in teaching the ability for one to vary the RESERVE amount wagered beyond the pre-existing limitations created by the programmer of the gaming device.

However, in an analogous gaming patent, Congello teaches the ability to offer a fractional denomination game wager. Congello teaches that one would be motivated to allow the use of partial credits in order to allow for the user to fully utilize their resources when using a wagering system (*see col. 5: ln 5-17*). Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Congello with Wilms to incorporate partial credit wagering.

Regarding claims 9, 29, and 40, Wilms teaches a gaming machine wherein the partial credit value is stored to be displayed by the RESERVE indicator [18]. Wilms also states that the full and partial credits funds are displayed to the player through CREDIT [16] and RESERVE [18] indicators. The player may wager these credits at any time (*ie: through the variability of modifying the wagered value*) (*see col. 6: ln 40-67, col. 7: ln 10-56*). Furthermore, as expressed in the rejection above the controller is configured in the game machine to determine the number of credits and reserve credits available for play by dividing the funds by the credit value.

Regarding claims 10-11, Wilms teaches the partial credits as decimals, which are inherently fractions as decimals are a linear array of digits that represent a real number. For example, decimals typically indicate a negative power of 10 (*ie: $10^{-1} = 0.1 = 1/10$*) (*see Figs. 3-5 and the related description thereof*).

Regarding claims 13, and 30, Walker teaches a gaming device allows for the user

to change the first selected credit value to a second inputted credit value or denomination

between rounds of play in the game of change. Additionally, Walker teaches the second

denomination to be input by the player (*see col. 6: ln 1-10*).

Regarding claims 17-18, Wilms comprises setting an increment rate by which the

player can increase and decrease the credit value. Additionally, the value received from a

player is in a first currency and the full and partial credits may be represented in a second

currency (*see col. 7: ln 30-57*). Furthermore, Wilms allows a value to be added by the

player in a first currency and then is divided into a full and partial credit value as a

representative version of the second currency value (*see col. 7: ln 30-57*). Furthermore,

Wilms allows a value to be added by the player in a currency and the partial credits have

a value other than a standard denomination in which the currency is issued or an integral

multiple thereof.

Claim 39, Wilms teaches a game machine that comprises a casino marker

acceptor and dispenser, which is analogous in the gaming art to a voucher. Therefore it

would be a simple matter of design choice for one of routine skill to modify Wilms to

allow the use of voucher certificates as opposed to casino markers. Therefore it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

Wilms in order to allow for a user to implement a voucher accepter and printer instead of

the casino markers used (*see col. 5: ln 4-27*).

Claims 15-16, 23-24, 36, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wilms (US 5,277,424) and Walker et al. (US 6,068,552) and

Congello, Jr. (US 6,296,569 B1) and Rowe et al. (US 6,682,421 B1) and Walker et al. (US 6,012,983) and in further view of Skratulia (US 5,690,335).

With reference to claims 15-16, 23-24, 36 and 43, Wilms Walker et al. ('552) and Congello and Rowe et al. and Walker et al. ('983) teach a game machine that accepts vouchers and allows the use of full and partial credits in a wagering game and can store the credit information on a database as discussed above and incorporated herein. However, Wilms, Walker, Congello, Rowe and Walker lack in specifically disclosing a maximum and minimum credit value for wagering within its game machine. However, it is understood in the gaming arts that casinos will typically setup minimum and maximum wagers or denomination in order to cater to the target clientele. In Skratulia, he teaches the use of an analogous method of playing a wagering game (*see col. 3: ln 20-40*). Skratulia discloses that it would be an obvious matter of design choice for the establishment to set the maximum amount and that gaming machines are typically adaptable and may be modified to fit the maximum and minimum bets that the casino would like to implement in their machines. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Skratulia with Wilms in order to allow the gaming machine in Wilms to include a minimum and maximum wager amount.

Response to Arguments

Applicant's arguments filed 10/27/07 have been fully considered but they are not persuasive. With respect to the arguments filed against the U.S.C. 101 rejection it is further emphasized that the applicant's claims have not provided any tangible result that interacts with the user. Currently, the game method and device have a methodology that

seems to only manipulate random variables inside a device and still has no real-world

result. Therefore the applicant's arguments are not persuasive and the 101 rejection still

stands. With respect to the arguments regarding the U.S.C. 103(a) rejections the

amendments made to the claims have required the addition of Walker et al. and the have

been addressed in the rejection above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148.
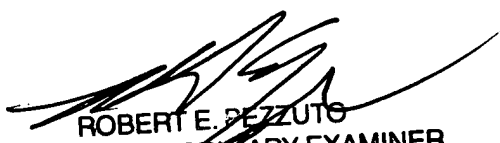
The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RH
January 14, 2008

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER